1946

File No. Wakf II/46.

Legal Department

B **BRANCH**

Subject:—

Rules and Notifications under the Bombay Musselmen Wakf Rules, 1936.

File No. Wakf II/46

Gen. 194 e.

304 B.

Office of the R.L.A.

It is proposed to empower the Wakf Committee to appoint a Secretary from amongst its members. As observed in R.L.A's opinion No 9016 dated 3rd December 1945 such a Secretary cannot be paid from the Wakf Administration Fund. The alternative proposal made is that the committee may recommend to the Court to employ a person to act as Secretary. Under sub-section (2) of section 60 of the Act, the Court employing a person for the purpose of carrying out the purposes of this Act is to pay him such remuneration as may be prescribed. "Prescribed' means prescribed by rules made under the Act (vide section 2(d). The proposal in the R.D. draft to pay to the Secretary such remuneration as may be agreed to by the Committee is not therefore in order.

The other proposal is to make a rule empowering the Court to sanction payment of travelling allowance to members of the Committee. Such a rule will be covered by section 6K read with section 11(2)(f) of the Act.

Sd/- P.N.Moos

o.c. 30/4/46

Remembrancer of Legal Affairs.

U.R. to R.D., No 3193, dated the 30th April 1946.

Mjr/12/7

4 Cs.